

HISTORIC PRESERVATION PERMIT

FILE NO.	HP21-002
LOCATION OF PROPERTY	1651 Hanchett Avenue
ZONING DISTRICT	R-1-8 Single Family Residence
GENERAL PLAN DESIGNATION	Residential Neighborhood
PROPOSED PROJECT	Historic Preservation Permit to allow a 123-square foot second-story rear addition, minor demolition (14-square feet) on the rear slope of the side gable roof and first floor wall fabric on the north and west elevations, and window and door alterations on the north, south and west elevations for a designated City Landmark (HL19-004)
HISTORIC CLASSIFICATION	City Landmark (HL19-004)
ENVIRONMENTAL STATUS	Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities and Section 15331 for Historical Resource Restoration/Rehabilitation
OWNER/ADDRESS	Justin and Taylor Buzzard 1651 Hanchett Avenue San Jose, CA 95128
ARCHITECT/ADDRESS	Saum Design Consulting 635 Chapman Street San José, CA 95126

FACTS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this project:

1. Historic Preservation Permit to allow a 123-square foot second-story rear addition, minor demolition (14-square feet) on the rear slope of the side gable roof and first floor wall fabric on the north and west elevations, and window and door alterations on the north, south and west elevations for a 2,829-square foot single-family residence, a City Landmark (HL19-004). There are no changes proposed to the front (east) façade of the house.

2. The subject site is located on the north side of Hanchett Avenue, approximately 360 feet west of Dana Avenue. The site is surrounded by single-family houses on all sides.
3. The subject site contains a two-story Tudor Revival style 2,720-square foot house built in the period of significance in 1939 and a rear addition constructed in 1950 (outside the period of significance). The architectural style is defined by its eclectic cross gable roof clad with wood shingle, brick clad exterior, steeply pitched front gables clad with stucco and brick, wood shingle clad front gable dormer, large, multi-paned picture windows and recessed, arched front entry. The site also contains a 755-square foot detached garage with an attached ADU in the rear yard approved via a separate building permit.
4. The subject site, also known as “The Filice House,” is a designated City Landmark (HL19-004; Resolution No. 79336).
5. The subject site is designated Residential Neighborhood on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan.
6. The subject site is located in the R-1-8 Single-Family Residence Zoning District.
7. The project was considered at the Historic Landmarks Commission (HLC) during a public hearing on April 7, 2021. The HLC voted (5-0-1) Commissioner Boehm absent to recommend approval, with conditions, to the Director of Planning, Building, and Code Enforcement.

FINDINGS

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, that:

1. The project is consistent with the designation of Residential Neighborhood on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan. This designation allows a density of 8 DU/AC and a FAR of up to 0.7 (1 to 2.5 stories). The project proposes a minor 123-square foot second-story rear addition and a 14-foot demolition which results in a 2,829-square foot house with a 0.43 FAR and conforms to the General Plan.
2. The project is consistent with the Envision San José 2040 General Plan Historic Preservation goal and policies LU-13, LU-13.2 and LU-13.6 in that the project preserves the designated City Landmark for its historic residential use and preserves its integrity and character-defining features. The project complies with the Secretary of the Interior’s Standards for Rehabilitation. No changes are proposed to the front façade and alterations, including minor addition and demolition, will occur at the rear of the house and to a non-contributing single-story rear addition facing the rear yard and garage that was constructed outside the period of significance of the City Landmark. The proposed windows and doors on the side (north) and rear (west) of the existing house are compatible with the existing in style, configuration and materials. The small, 123-square foot addition is differentiated from the old and compatible with the massing, size, scale, form and materials of the City Landmark.
3. The project will be consistent with the spirit and purposes of Chapter 13.48 of Title 13 of the San José Municipal Code in that the project complies with the Secretary of the Interior’s Standards for Rehabilitation. The rear addition is subordinate in scale and size to the original structure, maintains the important character-defining features of the historic house and will not conceal or remove them. The addition is designed to be compatible in style and materials with the existing historic house, will complement the City Landmark in terms of exterior finishes and

materials and will not affect its appearance as viewed from the public street. The project will, therefore, protect the City's cultural and aesthetic heritage by maintaining the appearance of the City Landmark, consistent with the purpose of the Historic Preservation Ordinance.

4. The project is consistent with *Your Old House*: Guide for Preserving San José Homes for site design, building mass, scale and form, materials, and windows and doors because the proposed addition located at the rear of the City Landmark, is minor in proportion at 123-square feet, and will be compatible in scale and character to the original house. It has a simple, hipped roof form (5.5:12 slope) and a height that is lower than, and subordinate to the primary ridge of the existing steeply pitched side gable roof (12:12 slope) which characterizes the City Landmark. Therefore, the roof of the new addition will not affect the appearance of the City Landmark as viewed from the public street. The new addition will be clad with stucco and the new roof will be clad with wood shingle to match the existing. The proposed wood frame casement windows have been simply designed to be differentiated from the historic windows with use of dual pane single-lite glazing instead of multi-lite sashes. First floor new windows will be located on the sides (north and south) and rear (west) of the house in a non-contributing addition and will be compatible in appearance and materials with the existing.
5. The Secretary of the Interior's Standards for the Treatment of Historic Properties are intended to promote responsible preservation practices that help protect irreplaceable cultural resources. The five of the ten Standards for Rehabilitation that are applicable to this project are Standards 2, 3, 5, 9, and 10. Staff assessment of the project in accordance with each applicable Standard is outlined below.

Standard 2: The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.

The removal of several windows and doors on the side and rear of the City Landmark will not remove any distinctive historical materials or alter character-defining features of the existing historic house because the work will occur on a non-contributing single-story rear addition facing the rear yard and garage that was constructed outside the period of significance of the City Landmark. The removal of a small portion of the side gable roof to accommodate the rear addition and two skylights will have minimal impact on the building because the work is located on the rear slope of the roof and the addition will have a lower, but compatible roof form and mass, thereby retaining and preserving the overall architectural and historic character of the property.

Standard 3: Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

The proposed addition incorporates a functional design without conjectural features. It will not duplicate any character-defining features of the house to create a false sense of historical development because it has been simply designed to be compatible with the City Landmark in proportional form, materials and features. The addition has been designed with a hipped roof to present a discrete, subordinate form. The walls of the addition will be clad with stucco and the roof will be clad with wood shingle to relate to the existing materials on the City Landmark. The proposed wood frame casement windows have been simply designed to be differentiated from the historic windows with use of double pane insulated glazing instead of multi-light sash

windows. The proposed wood panel door does not contain any glazing and is differentiated from the existing nine-light wood panel door.

Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The City Landmark embodies the distinctive characteristics of the Tudor Revival style and is defined by its eclectic cross-gable roof clad with wood shingle, brick clad exterior, steeply pitched front gables clad with stucco and brick, wood shingle clad front gable dormer, large, multi-paned picture windows and recessed, arched front entry. No work is proposed on the front façade and the project will not affect any the described character-defining features. The proposed work will occur on a non-contributing single-story rear addition facing the rear yard and garage that was constructed outside the period of significance of the City Landmark. A small portion of the house's dominant side gable roof will be removed to accommodate the rear addition but will have minimal impact on the roof form because it is located on the rear slope of the roof and will be lower than the primary roof of the City landmark.

Standard 9: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The 123-square foot addition is located on the rear of the City Landmark and will be minor in nature when compared to the existing 2,829-square foot house with a 683-square foot basement. The rear addition will be subordinate to the City Landmark because the minimally sloped (5.5:12 slope) hipped roof presents a simple form that does not compete with the dominant side gable of the primary roof (12:12 roof slope) and the height of the addition is lower than the main roof ridge line. The addition will complement the existing house with its stucco finish and wood shingle roof but will not be visible from the public right-of-way. Proposed windows will be compatible in proportion and material but will be differentiated with use of single-light glazing instead of multi-light sashes, and casement style operation instead of double-hung operation.

Standard 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Tudor Revival style house is defined by its eclectic cross gable roof clad with wood shingle, brick clad exterior, steeply pitched front gables clad with stucco and brick. The small, 123-square foot addition with a shallow pitched hipped roof is located at the rear of the building, below the ridge line. Removal of the addition would not impair the prominence of the roof of the City Landmark and the historic form and integrity of the house would be retained.

6. This project is found to be under the provisions of Section 15301 for Existing Facilities and Section 15331 for Historical Resource Restoration/Rehabilitation of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), consistent with Title 21 of the San José Municipal Code and the California Environmental Quality Act of 1970, as amended.

Pursuant to Section 15301(a) for Existing Facilities, the proposed project is exempt because the project consists of a minor (123-square foot) addition and alterations to an existing structure involving no expansion of an existing residential use and is exempt under this section. Pursuant to Section 15331 for Historical Resource Restoration/Rehabilitation, the project is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

In accordance with the findings set forth above, a Historic Preservation Permit for said purpose specified above and subject to each and all the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the permittee fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the permittee shall be deemed to constitute all of the following on behalf of the permittee:
 - a. Acceptance of the Permit by the permittee; and
 - b. Agreement by the permittee to be bound by, to comply with, and to do all things required of or by the permittee pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Building Permit.** Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions.
3. **Conformance with Plans.** Construction and development shall conform to the conditions in this HP Permit, and plans, entitled "Addition and Alterations to (E) Two-Story Single-Family Residence, 1651 Hanchett Avenue, San José, CA 95128," dated March 24, 2021, on file with the Department of Planning Building, and Code Enforcement. If there are inconsistencies among the Permits and the plans, these Permit take precedence.
4. **Windows:** All new or replacement windows shall be wood windows to match existing.
5. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set or in the conditions of approval of this permit. Any modifications to the approved plans will require a Permit Adjustment or Amendment at the discretion of the Director of Planning.
6. **Salvage and Reuse.** The Permittee shall salvage and reuse historic materials and features, especially brick and wood materials on the first and second floors, to the extent possible, such as exterior wood trims, brick cladding materials and architectural features. The Permittee shall work with City's Historic Preservation staff to determine the material that can be salvaged and reused and shall incorporate such identified material into the new construction.
7. **Permit Expiration.** This Permit shall automatically expire in four (4) years from and after the date of issuance hereof by the Director of Planning, if within such time period, a Building Permit has not been obtained, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Historic Preservation Permit

Adjustment/Amendment to extend the validity of this Permit in accordance with Chapter 13 of the Municipal Code (Historic Preservation Ordinance). The Historic Preservation Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.

8. **Conformance with Municipal Code.** No part of this approval shall be construed to permit violation of any part of the San José Municipal Code.
9. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, *HP21-002* shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
10. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
11. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 24 hours of defacement. The site will be cleaned of all debris.
12. **Nuisance.** As required by Title 20 of the San Jose Municipal Code, construction on this site shall be conducted in a manner, which does not create a public or private nuisance. The property owner must abate any such nuisance immediately upon notice.
13. **Public Works Clearance for Building Permit(s):** Prior to the approval of the Building Permits, the applicant will be required to have satisfied all Public Works requirements, as applicable. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanioseca.gov/index.aspx?nid=2246>.
 - a. An encroachment permit is required for construction of new driveway and curb cut.
14. **Fire Code Compliance.** Compliance with all applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.
15. **Revocation, Suspension, Modification.** This Historic Preservation Permit may be revoked, suspended or modified by the Planning Director at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Historic Preservation Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or

- c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **28th day of April 2021**.

Chu Chang, Acting Director
Planning, Building, and Code Enforcement

Deputy

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